

DALE BERNARD BEARD, JR. v.  
DANIEL E. SMITH, et al.

BERNARD DALE BEARD, JR.  
August 29, 2024

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT MARTINSBURG

DALE BERNARD BEARD, JR.

Plaintiff,

v. CIVIL ACTION NO. 3:23-CV-193  
Honorable Gina Groh

DANIEL E. SMITH, Individually, and  
ADAM ALBAUGH, Individually,

## Defendants.

Deposition of BERNARD DALE BEARD, JR., the Plaintiff herein, taken on behalf of the Defendants, in the above-entitled action, pursuant to Notice, before Sheryl L. Gasparik, Registered Professional Reporter, and Notary Public within and for the State of West Virginia, held at the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC, 261 Aikens Center, Suite 301, Martinsburg, West Virginia 25404, on the 29th day of August, 2024, commencing at 10:12 a.m.

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1 A. Yeah.

2 Q. Okay. Are you making a claim associated with  
3 that anxiety?

4 A. No.

5 Q. The reason I say that is because it indicated  
6 that you are no longer taking the Klonopin.

7 A. I am not anymore. Yeah, I am not --  
8 technically, I am not allowed to anymore anyway.

9 Q. Why is that?

10 A. Just because of other medications. It's just  
11 so I -- just to be safe, we -- we decided not to do  
12 that.

13 Q. Okay. Do you have any idea what -- well,  
14 again, like I said, based on the -- you have indicated  
15 in your responses that you are not claiming medical  
16 treatment, but then you have this in here. I guess  
17 my thought process is, is are you making a claim for  
18 the medical treatment associated with that or not?

19 A. I don't remember.

20 Q. Okay.

21 A. I don't remember.

22 Q. One of the -- well, let's just -- we will just  
23 go ahead. I was going to skip over these, but just to  
24 be safe, you have denied receiving any type of physical

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1       injuries associated with this matter; correct?

2           A.    Correct.

3           Q.    And you have denied having expenses, by way  
4 of damages, associated with this matter; correct?

5           A.    Correct.

6           Q.    Like special -- special damages --

7           A.    Right.

8           Q.    -- actually monetary damages --

9           A.    Yes, yes.

10          Q.    -- not violation of rights. I am not  
11 suggesting --

12          A.    I just want to make sure I answer the question  
13 properly. So I don't know if the car -- does that  
14 involve -- now, you are just talking about any other  
15 type of specialized?

16          Q.    Well, so that's -- that's a fair question.

17          A.    Right.

18          Q.    So you are claiming damages associated with  
19 having your vehicle towed; is that right?

20          A.    I believe so, but I haven't reviewed it lately,  
21 so I -- I don't remember exactly.

22          Q.    Okay.

23          A.    Yeah.

24          Q.    So then -- so then I am glad we did this,